IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.104 OF 2006
IN
CRIMINAL APPEAL NO.85 OF 2006

Raju Dagadu Rajpoor .. Applicant.
Vs.
The State of Maharashtra .. Respondent.

Shri U.R.Agandsurve for the applicant.
Mrs.M.M.Deshmukh A.P.P. for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 6th JUNE, 2006

P.C.:

. Heard learned counsel for the parties.

2. The applicant has filed this application for being released on bail in the criminal appeal directed against the order of conviction under section 306 of I.P.C. The applicant has been sentenced to suffer R.I. for 7 years and to pay a fine of Rs.1,000/-. He has also been convicted under sections 354, 323, 341 and 451 of I.P.C. He was tried on the allegation that on 28.7.2003 at 3.00 p.m., he entered the house of deceased - Rupali and outraged her modesty as a result of which Rupali committed suicide. Mr.Agandsurve, learned counsel for the applicant submitted that the three dying declarations on the record are

inconsistent and the conviction based thereon deserves to be quashed and set aside. I perused the dying declarations. I do not find any inconsistency, as submitted by the learned counsel for the applicant, insofar as the main incident and the role attributed to the applicant are concerned. Moreover, the other evidence on record supports the allegations against the applicant. Keeping that in view I am not inclined to enlarge the applicant on bail at this stage. The learned counsel for the applicant, at this stage, prays for liberty to prepare paper book. Liberty as prayed for is granted. It is open for the applicant to apply for fix date of hearing after filing of the paper book. If for any reason the appeal is not heard within two year after filing of the paper book by the applicant-accused, liberty to the applicant to apply for bail afresh. The application is, accordingly, disposed of.

(D.B.Bhosale, J.)